

SEP 12 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GREGORY BROWNLOW,

Petitioner - Appellant,

v.

A. P. KANE, Warden,

Respondent - Appellee.

No. 07-56186

D.C. No. CV-05-06319-AHM

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
A. Howard Matz, District Judge, Presiding

Submitted August 25, 2008**
San Francisco, California

Before: SCHROEDER, KLEINFELD and SILVERMAN, Circuit Judges.

On July 9, 2008, this court denied a certificate of appealability with respect to ground one of appellant's 28 U.S.C. § 2254 petition and concluded that a

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

certificate of appealability was unnecessary with respect to grounds two and three. *See* 28 U.S.C. § 2253(c)(2). By same order, this court ordered appellant to show cause as to why grounds two and three should not be dismissed as moot.

Appellant's response to the order to show cause indicates appellant has been discharged from parole in connection with the conviction at issue in his habeas petition; therefore, we lack jurisdiction to grant the relief requested in grounds two and three. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996) (per curiam) (noting that an appeal is moot "when, by virtue of an intervening event, a court of appeals cannot grant 'any effectual relief whatever' in favor of the appellant" (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895))). Accordingly, we dismiss this appeal as moot.

DISMISSED.